APPENDIX

FILED
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MICHAEL RODAK, JR., CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1974

No. 73-1380

CHEMEHUEVI TRIBE OF INDIANS, ET AL., *Petitioners*

v.

FEDERAL POWER COMMISSION, *Respondent*

No. 73-1666

ARIZONA PUBLIC SERVICE COMPANY, ET AL., *Petitioners*

v.

CHEMEHUEVI TRIBE OF INDIANS, ET AL., *Respondents*

No. 73-1667

FEDERAL POWER COMMISSION, *Petitioner*

v.

CHEMEHUEVI TRIBE OF INDIANS, ET AL., *Respondents*

Petition for Certiorari Filed March 11, 1974, and May 6, 1974
Certiorari Granted June 10, 1974

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[Filed September 10, 1971]

BEFORE THE FEDERAL POWER COMMISSION

Docket No.

THE CHEMEHUEVI TRIBE OF INDIANS, c/o Ralph Esquerra, 11964 South Grevilla Avenue, Hawthorne, California 96250;

THE COCOPAH TRIBE OF INDIANS, c/o Robert Barley, Somerton, Arizona;

THE SIERRA CLUB, a non-profit California corporation, 1050 Mills Tower, 220 Bush, San Francisco, California 94104;

COMMITTEE TO SAVE BLACK MESA, INC., a non-profit Arizona Corporation, c/o Robert Hilgendorf, P.O. Box 797, Chinle DNA office, Chinle, Arizona 86503;

EMMA YAZZIE, Fruitland, New Mexico 87416;

JIMMY YAZZIE, Fruitland, New Mexico 87416;

PAUL BEGAY, Kirtland, New Mexico 87417;

CHESTER HUGH BENALLY, Fruitland, New Mexico 87416;

BILL BEGAY, Fruitland, New Mexico 87416, *Complainants*,

v.

ARIZONA PUBLIC SERVICE COMPANY, 501 South Third Avenue, Phoenix, Arizona 85004;

SOUTHERN CALIFORNIA EDISON COMPANY, 601 West Fifth, Los Angeles, California 90017;

PUBLIC SERVICE COMPANY OF NEW MEXICO, 414 Silver, S.W., Albuquerque, New Mexico 87103;

SALT RIVER PROJECT, 1521 Project Drive, Phoenix, Arizona;

TUCSON GAS AND ELECTRIC COMPANY, 220 West Sixth Street, Tucson, Arizona 85705;

EL PASO ELECTRIC COMPANY, 215 North Stanton Street, El Paso, Texas 79901;

LOS ANGELES DEPARTMENT OF WATER & POWER, 111 North Hope, Los Angeles, California 90012;

NEVADA POWER COMPANY, Fourth and Stewart Avenue, Las Vegas, Nevada 89110;

UTAH POWER & LIGHT COMPANY, 1407 West North Temple, Salt Lake City, Utah;

SAN DIEGO GAS & ELECTRIC COMPANY, 101 Ash, San Diego, California 92101, *Complainees.*

Complaint, Petition for Order to Show Cause and Request for Expedited Procedure

COME Now the Chemehuevi Tribe, the Cocopah Tribe, the Sierra Club, Committee to Save Black Mesa, Inc., Emma Yazzie, Jimmy Yazzie, Paul Begay, Chester Hugh Benally and Bill Begay ("complainants"), and file this complaint and petition for order to show cause pursuant to 18 C.F.R. § 1.6, and request the Commission to exercise its licensing jurisdiction under Part I of the Federal Power Act by ordering the above-captioned complainees to obtain licenses to construct, operate, and/or maintain the following existing or proposed fossil fuel generating facilities which will be owned and operated by the complainees ("the six plants"):

a. Four Corners plant, units 1 through 5, located on the Navajo Indian Reservation, sixteen miles southwest of Farmington, New Mexico. Current installed capacity is 2,075 megawatts; proposed total capacity is approximately 6,000 megawatts.

b. Mohave plant, two units, one operating and one under construction, located on the Nevada side of the Colorado River, three miles downstream from the Davis Dam. Total installed capacity will be 1,580 megawatts.

c. Navajo plant, three units planned, located on the Navajo Indian Reservation four miles east of Page, Arizona. Total proposed capacity is 2,310 megawatts.

d. San Juan plant, located sixteen miles northwest of Farmington, New Mexico, and ten miles from the Four Corners plant. Part of the plant facilities will be on federal land. Planned initial capacity is 330 megawatts; ultimately 990 megawatts.

e. Huntington Canyon plant, at least two units, located twenty-nine miles southwest of Price, Utah, in part, on federal land. Initial installed capacity is to be 430 megawatts: ultimate capacity may reach 2,000 megawatts.

f. Kaiparowits plant, initial planned installed capacity of 2,000 megawatts in two units, ultimately 5,000 megawatts; located on federal land in Utah, in part within the Glen Canyon Recreational Area, about twenty miles north of Page, Arizona and the Navajo plant.

The Commission is also requested to omit the intermediate decision procedure, set an accelerated briefing schedule as described hereinafter, and render a final opinion pursuant to 18 C.F.R. § 1.30(c).

THE PARTIES

1. Complainant Chemehuevi Tribe of Indians is a recognized tribe of American Indians which adopted a constitution and by-laws on the 14th day of February, 1970, pursuant to the statutory authority provided in the Act of June 18, 1934 (48 Stat. 984) as amended by the Act of June 15, 1935 (49 Stat. 378). The Chemehuevi Reservation, consisting of approximately 28,000 acres, is situated on the Colorado River in the County of San Bernardino, State of California, downstream from all the plants; the Mohave plant is approximately forty miles to the north. The Chemehuevi Tribe's water rights in the Colorado River were defined by the United States Supreme Court in *Arizona* v. *California*, 373 U.S. 546 (1963). The Tribe is vitally interested in and affected by the operation of all the plants, since their operations reduce the flow of the Colorado River and its tributaries, thus affecting their rights to that water. In addition, the health and welfare of the Tribe is threatened by air and water pollution caused by operation of the Mohave plant and other plants in the Four Corners area, as hereinafter described.

2. The Cocopah Tribe of the Cocopah Indian Reservation, Arizona, is a tribe of Indians, organized and recognized by the Secretary of Interior in accordance with the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378) and